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GARVEY SCHUBERT BARER

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Please reply to LESLIE R. SCHENCK  
lschenck@gsblaw.com TEL EXT 1487

December 17, 2009

**BY US MAIL**

Kristine Koch  
Remedial Project Manager  
United States EPA, Region 10  
Office of Environmental Cleanup  
Mail Code ECL-115  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

**RECEIVED**

DEC 22 2009

Environmental  
Cleanup Office

Re: FOIA Requests 10-RIN-00324-09 – CBI Designation of Foss Maritime Documents in Response to EPA's 104(e) Requests for Information re the Portland Harbor Superfund Site

Dear Ms. Koch:

I am writing in response to your letter of October 14, 2009 regarding a Freedom of Information Act ("FOIA") request that EPA recently received seeking copies of CERCLA § 104(e) information responses pertaining to the Portland Harbor Superfund Site. As such, your letter specifically addressed the Confidential Business Information ("CBI") designation that Foss Maritime had applied to the information response that it submitted to EPA in late 2008, and asked whether Foss Maritime wanted to further substantiate the CBI designation or to allow these documents to be released in response to the FOIA request. Upon review of this matter, Foss Maritime wishes to confirm that it does not intend to pursue a claim of confidentiality with regard to these materials and approves of their release.

We appreciate your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

GARVEY SCHUBERT BARER

By

Leslie R. Schenck

cc: Frank H. Williamson  
Michelle U. Rosenthal

